

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION**

JOSE G. GONZALEZ,
Plaintiff,

V.

**KEMPER CORPORATE
SERVICES, INC.,**
Defendant.

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CIVIL ACTION NO. 20-103

PLAINTIFF DEMANDS A JURY TRIAL.

PLAINTIFF'S ORIGINAL COMPLAINT

TO THE HONORABLE JUDGE OF SAID COURT:

Now comes JOSE G. GONZALEZ, hereinafter referred to as the Plaintiff, or as Mr. Gonzalez, complaining of KEMPER CORPORATE SERVICES, INC., hereinafter referred to as the Defendant, or as the Company, and as and for his causes of action against said Defendant, Plaintiff would respectfully show the Court as follows:

NATURE OF THE CASE

(1) This is a civil action brought by the Plaintiff, JOSE G. GONZALEZ, who alleges that he has been discriminated against by his employer, the Defendant KEMPER CORPORATE SERVICES, INC., because of his national origin and/or his sex, in violation of Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000e, et seq. Mr. Gonzalez also brings this civil action under the provisions of the Equal Pay Act of 1963, 29 U.S.C. § 206 (d), alleging that the Defendant KEMPER CORPORATE SERVICES, INC. has refused to pay him wages equal to the wages paid to females for equal work performed by him on jobs the performance of which requires equal skill, effort, and responsibility, and which are performed under similar working conditions.

JURISDICTION

(2) This Court has jurisdiction of this civil action under the provisions of 28 U.S.C. §§ 1331 and 1343 and 42 U.S.C. § 2000e-5.

VENUE

(3) Venue of this civil action is proper in this court inasmuch as the discriminatory and retaliatory acts alleged herein occurred within the Western District of Texas, San Antonio Division.

PARTIES

(4) The Plaintiff, JOSE G. GONZALEZ, is an individual who resides in San Antonio, Bexar County, Texas. He is an Hispanic or Latino male of Mexican national origin.

At all times material and relevant hereto, the Plaintiff, Mr. Gonzalez, was an “employee” of the Defendant KEMPER CORPORATE SERVICES, INC., as that term is defined at 42 U.S.C. § 2000e(f) and at 29 U.S.C. § 203 (e). He has been employed by the Company for a total of approximately 8 ½ years, from on or about July 2011 to the present.

(5) The Defendant KEMPER CORPORATE SERVICES, INC. is a corporation incorporated under the laws of the State of Illinois, is authorized to do business in Texas, and does in fact do business in Texas. At all times material and relevant hereto, the Defendant KEMPER CORPORATE SERVICES, INC. was Mr. Gonzalez’ “employer,” as that term is defined at 42 U.S.C. § 2000e (b), and at 29 U.S.C. § 203 (d).

Said Defendant may be served with summons herein by delivering the same to its registered agent, CT Corporation System, at 1999 Bryan Street, Suite 900, Dallas, Texas 75201-3136.

(6) For purposes of applying the provisions of 42 U.S.C. § 1981a, Mr. Gonzalez alleges

that the Defendant KEMPER CORPORATE SERVICES, INC. has employed more than 14 but fewer than 101 employees in each of 20 or more calendar weeks in the current or preceding calendar year.

FACTS

(7) The Plaintiff, JOSE G. GONZALEZ was originally hired by the Defendant KEMPER CORPORATE SERVICES, INC. in July of 2011 as an Insurance Agent. In May of 2013, Mr. Gonzalez earned a promotion to the position of Staff Field Auditor.

(8) On or about March 26, 2014, Mr. Gonzalez began performing work the duties and responsibilities of which were the same as those performed by persons referred to as Senior Field Auditors. Those Senior Field Auditors were and are Susan White, a White or Anglo female; Richard Graham, a White or Anglo male; and Rick King, a White or Anglo male. Despite the fact that his duties and responsibilities were the same as the Senior Field Auditors, he was not paid the same salary or wages as the Senior Field Auditors. To his knowledge, the Senior Field Auditors were and are paid at least \$60,500.00 per year, while, during the relevant time period, he was paid only \$49,000.00 per year.

(9) Soon after discovering this inequity, Mr. Gonzalez began asking (and continued to ask) his supervisor, Adrienne Spivey, an African-American female, why he was not being paid the same as his counterparts, the Senior Field Auditors, and he began asking to be promoted to Senior Field Auditor.

(10) On February 17, 2018, Ms. Spivey advised Mr. Gonzalez that he was not going to be promoted, and that he was not going to be paid the same as the Senior Field Auditors. When he asked Ms. Spivey why, her answer was that it was out of her control.

(11) On or about November 14, 2018, Mr. Gonzalez filed a charge of discrimination with the San Antonio Field Office of the U.S. Equal Employment Opportunity Commission (the EEOC), alleging national origin and sex discrimination, and also alleging violation of the Equal Pay Act of 1963, 29 U.S.C. § 206 (d).

(12) On or about April 24, 2019, Mr. Gonzalez was inexplicably promoted to Senior Field Auditor, but his salary was not increased to the level at which his counterparts are paid.

(13) On October 31, 2019, the EEOC issued a Dismissal and Notice of Rights to Mr. Gonzalez advising him of his right to sue.

(14) Plaintiff has exhausted his administrative remedies and this civil action is being timely filed.

CAUSES OF ACTION

(15) Based upon the above and foregoing facts, the Plaintiff JOSE G. GONZALEZ now sues the Defendant KEMPER CORPORATE SERVICES, INC. and claims that the Defendant has intentionally discriminated against him with respect to his compensation, and, prior to April 24, 2019, denied him promotion to Senior Field Auditor, because of his national origin and/or his sex, in violation of 42 U.S.C. § 2000e-2 (a) (1). As relief from said violations of the law, Mr. Gonzalez seeks to recover all relief and/or remedies available to him under the provisions of 42 U.S.C. § 2000e-5, including but not limited to (a) an injunction ordering the Defendant to pay him a salary equal to or comparable to the median salary paid to the other Senior Field Auditors; and (b) back pay, measured by the difference between what he was paid as a Staff Field Auditor and what he should have been paid as a Senior Field Auditor, from November 14, 2016 to April 24, 2019; (c) reasonable attorney's fees; and (d) court costs.

(16) Based upon the above and foregoing facts, the Plaintiff JOSE G. GONZALEZ also sues the Defendant KEMPER CORPORATE SERVICES, INC. and claims that the Defendant violated 29 U.S.C. § 206 (d) by paying him wages less than those paid to Susan White during the period from March 26, 2014 to April 24, 2019 for equal work the performance of which required equal skill, effort and responsibility, and which was performed under similar working conditions. As relief from said violation, Mr. Gonzalez seeks to recover all relief and/or remedies available to him under the provisions of 29 U.S.C. § 216 (b), including but not limited to (a) back pay, measured by the difference between the salary he was paid as a Staff Field Auditor and the salary which was paid to Susan White as a Senior Field Auditor, during the period from March 26, 2014 to April 24, 2019; (b) an additional equal amount as liquidated damages; (c) reasonable attorney's fees; and (d) court costs.

JURY DEMAND

(17) Pursuant to Rule 38 of the Federal Rules of Civil Procedure, Plaintiff demands a jury trial of this civil action.

WHEREFORE, PREMISES CONSIDERED, the Plaintiff, JOSE G. GONZALEZ respectfully prays that summons be duly issued and served upon the Defendant, KEMPER CORPORATE SERVICES, INC., and that, upon final hearing hereof, he shall have and recover judgment of and from said Defendant for the relief requested hereinabove, and for such other and further relief to which he may show himself justly entitled.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "G.D. Mangum", written over a horizontal line.

GLEN D. MANGUM

Texas State Bar No. 12903700

315 E. Euclid
San Antonio, Texas 78212-4709
Telephone No. (210) 227-3666
Telecopier No. (210) 595-8340
E-mail: gmangum@sbcglobal.net

**ATTORNEY FOR PLAINTIFF
JOSE G. GONZALEZ**